



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 01.09.2016

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WEB COPY

THE HONOURABLE MR.JUSTICE M.VENUGOPAL

W.P (MD) No.16556 of 2016

and

WMP (MD) No.12071 of 2016

M/s.Balaji Construction,
Through its Proprietor K.Karunakaran
Plot No.15, 3rd Cross Street,
Kalai Nagar,
Thapal Thanthi Nagar,
Madurai - 625 017

... Petitioner

Vs.

The Executive Engineer,
Sarugini River Basin Division,
Public Works Department,
Water Resource Organisation,
Sivagangai.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the Respondent herein to issue tender inviting notices to the Petitioner for the works to be carried out on contract within the jurisdiction of the Respondent herein before issuing the tender schedule.

For Petitioner : Ms.M.Padmavathy
For Respondent : Mr.A.Muthukaruppan
Addl.Govt.Pleader

ORDER

Heard both sides.

2.By consent, the main Writ Petition itself is taken up for final disposal.

3. No counter is filed on behalf of the First Respondent.

4. It is the case of the Petitioner that it is a Class-I registered contractor with the Public Works Department, Tamil Nadu. It appears that the Petitioner had addressed a Letter / Communication, dated 09.06.2016, to the Respondent / Executive Engineer, Sarugini River Basin Division, Public Works Department, Water Resource Organisation, Sivagangai, whereby and where-under it was mentioned that the Petitioner's Licence was extended during the year 2016-2017. Also in the Reference portion of the

Communication, dated 09.06.2016 of the Respondent, a mention was made about W.P.(MD)No.2757 of 2015, dated 26.03.2016.

5. The grievance of the Petitioner is that this Court may issue necessary orders in directing the Respondent to issue Tender Inviting Notices to it, for the works to be carried out on contract, within the jurisdiction of the Respondent, before issuing the Tender Schedule. The plea taken on behalf of the Petitioner in this regard appears to be a genuine and reasonable one, in the considered opinion of this Court. As such, this Court, without going into the merits and contents of the Communication / Letter of the Petitioner, dated 09.06.2016, addressed to the Respondent / Executive Engineer, Sarugini River Basin Division, Public Works Department, Water Resource Organisation, Sivagangai, at this stage, simpliciter, directs the Respondent, to consider the request of the Petitioner for issuing Tender Inviting Notices, for the works to be carried out on contract, within the jurisdiction of the Respondent, before issuing the Tender Schedule, within a period of four weeks from the date of receipt of a copy of this order and accordingly, to dispose of the representation of the Petitioner, dated 09.06.2016, so as to give a complete quietus to the issue in question (of course after providing necessary opportunity to the Petitioner and others concerned, if any, by adhering to the principles of natural justice, in true letter and spirit, by issuing notice to the Petitioner and others concerned, if situation so warrants). The Petitioner is directed to lend its helping hand and assistance to the Respondent so as to enable the latter to do the needful in its favour, within the time adumbrated by this Court.

6. With the aforesaid observation(s) and direction(s), the Writ Petition stands disposed of. No costs. Consequently, connected Writ Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS II)

/True copy/

Sub Assistant Registrar

To
The Executive Engineer,
Sarugini River Basin Division,
Public Works Department,
Water Resource Organisation,
Sivagangai.

+1cc to M/s.M.Padmavathy, Advocate Sr.No.49514

+1cc to special Government Pleader SR.No.50033

mpk

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